

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Atty Dkt. 117-587 (AMK)  
C#/M#

Confirmation No.: 6279

KENNEDY

Group Art Unit: 1783

Serial No. 10/579,057

Examiner: W. Watkins, III

Filed: October 3, 2006

Date: July 22, 2010

Title: STRUCTURAL SANDWICH PLATE MEMBERS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. One copy of the reference(s) is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

- ☐ This Information Disclosure Statement ("IDS") is being filed within three (3) months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No certification or fee is required.
- ☐ This IDS is being filed more than three (3) months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
- ☐ a. I hereby certify that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months ago to the filing of this IDS. 37 C.F.R. 1.97(e)(1).
- ☐ a.1. I hereby certify that this communication was not received by any individual designated in Section 1.56(c) more than 30 days prior to the filing of the Information Disclosure Statement. 37 C.F.R. §1.704(d).
- ☐ b. I hereby certify that no item of information in this IDS was cited in any communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR§1.56(c) more than three (3) months ago to the filing of this IDS. 37 C.F.R. 1.97(e)(2).
- ☐ c. Payment in the amount of \$180.00 of the fee under 37 C.F.R. 1.17(p) is submitted herewith. Please credit or debit Deposit Acct No. 14-1140 as needed to ensure consideration of the disclosed information.
- ☒ This IDS is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Payment in the amount of \$180.00 of the fee under 37 C.F.R. 1.17(p) is submitted herewith. Please credit or debit Deposit Account No. 14-1140 as needed to ensure consideration of the disclosed information.
- ☒ a. I hereby certify that each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months ago to the filing of this IDS. 37 C.F.R. 1.97(e)(1).
- ☐ a.1. I hereby certify that this communication was not received by any individual designated in Section 1.56(c) more than 30 days prior to the filing of the Information Disclosure Statement. 37 C.F.R. §1.704(d).
- ☐ b. I hereby certify that no item of information in this IDS was cited in any communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR§1.56(c) more than three (3) months ago to the filing of this IDS. 37 C.F.R. 1.97(e)(2).
- ☐ Relevance of the non-English language reference(s) is discussed in the present specification.
- ☒ The reference(s) was/were cited in a counterpart foreign application. An English language version of the foreign search report is attached for the Examiner's information.
- ☐ A concise explanation of the relevance of the non-English language reference(s) appears in the Appendix hereto.
- ☐ The Examiner's attention is directed to co-pending U.S. Patent Application No. \_\_\_\_\_, filed \_\_\_\_\_, which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.
- ☐ Copies of the references were cited by or submitted to the Office in parent Application No. \_\_\_\_\_ (filed \_\_\_\_\_), which is relied upon for an earlier filing date under 35 U.S.C. 120. Thus, Form PTO/SB/08 is attached without copies of these references. 37 C.F.R.1.98(d).
- ☐ Other.

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By Atty: Alan M. Kagen, Reg. No. 36,178

Signature: /Alan M. Kagen/

## NOTICE OF REASONS FOR REJECTION

Patent Application No.: 2006-538918  
Drafting Date: April 30, 2010  
Mailing Date: May 11, 2010  
Examiner: Susumu KISHI (3549 4S00)  
Representative(s): Yusuke HIRAKI (& Ors.)  
Section(s) Applied: 29(2)

The captioned application is rejected for the reason(s) set forth below. If the applicant wishes to present an argument in response to this notice, however, a written argument should be submitted within three months from the mailing date of this notice.

### REASON(S)

The invention according to the claim(s) of the present application indicated below is unpatentable under Section 29(2) of the Patent Law as it could readily have been made by a person skilled in the art prior to the filing of the application on the basis of the invention(s) disclosed in the herein-cited publication(s) distributed or made available to the public through electric telecommunication lines in Japan or abroad prior to the filing of the application.

Note (see List of Cited References for references cited)

- Claims 1-4, 8, 10 and 12
- References 1-3
- Remarks

See claims 1, 2 and 25-27 of Reference 1.

A person skilled in the art could readily have provided the intermediate metal plate (which reads on the "interlayer" of the present invention), which is provided within the intermediate elastomer layer (which reads on the "core" of the present invention), so as to be generally parallel to the first metal layer and the second metal layer (page 5 and Fig. 1 of Reference 2; and claim 1 and Fig. 3 of Reference 3).

- Claims 5-7

· References 1-3

· Remarks

A person skilled in the art could readily have used that which is recited in claim 5 in the present application as the metal mesh constituting the interlayer, as well as an interlayer comprising a high tensile strength fabric or a ceramic plate.

· Claim 9

· References 1-4

· Remarks

Taking strength into consideration, a person skilled in the art could readily have provided a plurality of interlayers (for example, Fig. 1 of Reference 4).

· Claim 11

· References 1-5

· Remarks

A person skilled in the art could readily have adopted a configuration where the interlayer does not extend over the whole area (for example, Fig. 4 of Reference 5).

· Claims 13-15

· References 1-5

· Remarks

A manufacturing method including the steps recited in claims 13 and 14 in the present application is taught by Reference 1 (claim 30 of Reference 1).

Further, for purposes of adhesion, a person skilled in the art could readily have impregnated the interlayer with, or applied thereto, a plastics or polymer material.

#### List of Cited References

1. JP Patent Publication (Kohyo) No. 2003-512950 A
2. Microfilm of JP Utility Model Application No. 51-063668 (1976) (JP Utility Model Publication (Kokai) No. 52-155765 U (1977))
3. Microfilm of JP Utility Model Application No. 51-046870 (1976) (JP Utility Model Publication (Kokai) No. 52-139376 U (1977))
4. JP Patent Publication (Kohyo) No. 04-502738 A (1992)
5. US Patent No. 5,368,914

拒絶理由通知書

COPY

特許出願の番号	特願 2006-538918
起案日	平成22年 4月30日
特許庁審査官	岸 進 3549 4S00
特許出願人代理人	平木 祐輔 (外 3名) 様
適用条文	第29条第2項

この出願は、次の理由によって拒絶をすべきものです。これについて意見がありましたら、この通知書の発送の日から3か月以内に意見書を提出してください。

理 由

この出願の下記の請求項に係る発明は、その出願前に日本国内又は外国において、頒布された下記の刊行物に記載された発明又は電気通信回線を通じて公衆に利用可能となった発明に基いて、その出願前にその発明の属する技術の分野における通常の知識を有する者が容易に発明をすることができたものであるから、特許法第29条第2項の規定により特許を受けることができない。

記 (引用文献等については引用文献等一覧参照)

- ・請求項 1～4、8、10、12
- ・引用文献等 1～3
- ・備考

引用文献1の請求項1、2、25～27を参照。

そして、中間のエラストマー層（本願発明の「コア」に相当）内に設けられた中間の金属プレート（本願発明の「中間層」に相当）を、第1の金属層及び第2の金属層とほぼ平行に設けることは、当業者が適宜なし得ることである（引用文献2の第5頁、第1図、引用文献3の実用新案登録請求の範囲第1項、第3図）。

- ・請求項 5～7
- ・引用文献等 1～3
- ・備考

中間層を構成する金属メッシュとして、本願請求項5に記載のものをを用いること、及び中間層として、高張力繊維からなるものやセラミックプレートからなるものをを用いることは、当業者が適宜なし得ることである。



- ・請求項 9
- ・引用文献等 1～4
- ・備考

強度を勘案し、中間層を複数有するものとすることは、当業者が適宜なし得ることである（例えば、引用文献4の図1）。

- ・請求項 1 1
- ・引用文献等 1～5
- ・備考

中間層を全面には設けない構成とすることは、当業者が適宜なし得ることである（例えば、引用文献5の図4）。

- ・請求項 1 3～1 5
- ・引用文献等 1～5
- ・備考

本願請求項1 3、1 4に記載の工程を含む製造方法は、引用文献1に記載されている（引用文献1の請求項3 0）。

さらに、中間層をプラスチック、ポリマーで、塗布・含浸することは、接着性を勘案し、当業者が適宜なし得ることである。

#### 引用文献等一覧

1. 特表2 0 0 3－5 1 2 9 5 0号公報
2. 実願昭5 1－0 6 3 6 6 8号(実開昭5 2－1 5 5 7 6 5号)  
のマイクロフィルム
3. 実願昭5 1－0 4 6 8 7 0号(実開昭5 2－1 3 9 3 7 6 号)  
のマイクロフィルム
4. 特表平0 4－5 0 2 7 3 8号公報
5. 米国特許第0 5 3 6 8 9 1 4号明細書

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#### 先行技術文献調査結果の記録

- ・調査した分野 I P C B 3 2 B 1 / 0 0－4 3 / 0 0  
B 2 9 C 3 9 / 0 0－3 9 / 2 4

- ・先行技術文献 特開平0 1－1 9 0 4 4 1号公報  
特開平0 5－0 9 9 5 9 6号公報

この先行技術文献調査結果の記録は拒絶理由を構成するものではありません。

整理番号: 発送番号:314016 発送日:平成22年 5月11日 3/E

この拒絶理由通知の内容に関するお問い合わせ、または面接のご希望がございましたら下記までご連絡下さい。

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